

SECTION 4 - PLAT PREPARATION PROCEDURES, GENERAL

4-1 Platting Required

No tract of land situated within Fauquier County shall be subdivided unless the subdivider shall cause a plat of subdivision with reference to known or permanent monuments to be made, submitted and approved pursuant to the terms of this ordinance and recorded among the land records of the Office of the Clerk of the Circuit Court of Fauquier County. No plat of subdivision shall be recorded unless or until the plat shall have been submitted to the governing body and approved and certified by the governing body in accordance with the regulations set forth in this Ordinance. No lot shall be sold in any subdivision before the plat shall have been recorded.

4-2 Private Contracts

This Ordinance bears no relation to any private easement, covenant, agreement or restriction nor is the responsibility of enforcing a private easement, covenant, agreement or restriction implied herein to any public official. When this Ordinance calls for more restricted standards that are required by private contract the provisions of this Ordinance shall control

4-3 Right-of-Way Additions

Where an adopted Comprehensive Plan indicates a proposed right-of-way greater than that existing along the boundaries of a subdivision or lot such additional right-of-way shall be dedicated for public use when the plat is recorded. Where a subdivision has occurred on public streets less than 50 feet in width, additional right-of-way shall be added so that the public street or right-of-way shall be at least 50 feet in width.

4-4 Plat Changes

No change or erasure or revision shall be made on any preliminary or final plat, nor on any accompanying data sheets after approval has been endorsed in writing on the plat or sheets unless authorization for such changes has been granted in writing by the approving body or its authorized agent.

4-5 Fees

There shall be a charge for the examination of approval or disapproval of every plat reviewed by the agent. At the time of filing the preliminary plat the subdivider shall pay the Treasurer of

Fauquier County, the amount reflected in the current fee schedule as set by resolution of the Board of Supervisors. The final plat fees are paid at the time of filing of the final plat.

4-6 Mutual Responsibility

There is a mutual responsibility between the County of Fauquier and the subdivider to divide and develop land in an orderly manner in accordance with the intent of the Comprehensive Land Use Plan of Fauquier County.

4-7 *Floodplains and Drainage Courses*

When any stream or substantial surface drainage course is located in the area being subdivided provisions shall be made by an adequate easement along the stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the streams or drainage course for drainage purposes. Such easements shall not be considered part of required street width. Floodplain limits shall be established in accordance with paragraph 2-9(1), definition of floodplain. No plat of subdivision shall be approved without provision for adequate drainage. To insure development of lots containing sufficient land upon which to place structures without impeding natural drainage, the subdivider shall provide elevation and flood profiles as may be required.

Each lot shall contain a desirable building site and areas approved by the Health Department for location of a well and drainfield, all above the floodplain.

4-8 *Improvements*

All required improvements shall be installed at the cost of the subdivider. Where cost sharing or reimbursed agreements between the County of Fauquier and the subdivider are appropriate, the same shall be entered into by formal agreement prior to final plat approval and shall be subject to Virginia Department of Transportation inspection and acceptance. In cases where specifications have been established either by the Virginia Department of Transportation for streets, etc. or by this Ordinance such specifications shall be followed. The subdividers performance bond shall not be released until construction has been inspected and accepted by appropriate engineer, or agent and the Virginia Department of Transportation, if applicable. All improvements shall be in accordance with the requirements set forth in this Ordinance. Upon written request by the subdivider or developer its designated administrative agency shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than eighty (80) percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the governing body, local administrative agency, or State agency not occur before the completion of at least thirty percent of the facilities, covered by the bond, escrow, letter of credit or other performance guarantee, or after completion of more than eighty (80) percent of said facilities. The Board shall not be required to execute more than three periodic partial releases in any twelve month period. Upon final completion and acceptance of said facilities, the Board shall release any remaining bond, escrow, letter of credit or other performance guarantee to the subdivider or developer. For the purpose of final release the term "acceptance" is deemed to mean: when said public facility is accepted by and taken over for operation and maintenance by the State agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance. A certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to 54-17.1 of the Code of Virginia, or from a department or agency designated by the Board may be accepted without requiring further inspection of such facilities.

Within thirty days after receipt of written notice by the subdivider or developer of completion of any part or all of any facilities required to be constructed hereunder unless

the Board or its designated administrative agency notifies said subdivider or developer in writing of non-receipt of approval by applicable State agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty day period.

If no such action is taken by the Board or administrative agency within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty day period and there is an additional request in writing sent by certified mail return receipt to the chief administrative officer of such governing body. The Board or its designated administrative agency shall act within ten working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

The Board of Supervisors hereby delegates the authority for bonding, releases, reduction, extension and drafts to its designated agent.

4-9 *Lot Size*

Lot sizes for residential lots shall conform to the Zoning Ordinance in effect in the County of Fauquier at the time of filing of the final plat.

4-10 *Flood Control and Drainage Structures*

The subdivider shall provide all information needed to determine what improvements are necessary to provide adequate drainage, including contour maps, drainage plans, and flood control devices. Contour intervals shall be not greater than 5 feet and shall be at such lesser intervals as specified by the agent. The subdivider shall also provide plans for all such improvements together with the properly qualified, certified engineer's or land surveyor's statement that such improvements when properly installed will be adequate for proper development. The subdivider shall also provide any other information required by the governing body, the Highway Engineer, or the agent for the governing body.

4-11 *Sanitary Sewer and Water*

Except for agricultural lots meeting the requirements of Section 4-11(4) below, no subdivision shall be approved where individual water and/or septic tank systems are to be used until written approval has been secured from the Health Director, and where required by the provisions of the Zoning Ordinance, a special exception has been obtained permitting development of the parcel on individual septic tank systems and/or individual wells. The Director or his agent shall determine the suitability of soil for the use of septic tank systems with sub-surface disposal and shall not approve such subdivisions when satisfactory service is not reasonably anticipated. The Health Director or agent shall evaluate sub-surface disposal areas based on required soils studies, and requirements of Fauquier County Sanitation Ordinances and the Sewage Handling and Disposal Regulations. (Amended by Board of Supervisors on September 7, 1999.)

Where lots are created requiring sewage effluent pumps as a component of the conveyance system for the primary disposal field or its repair, the final plat of any subdivision subject to such effluent pump requirements shall have boldly printed thereon

the words "**EFFLUENT PUMP REQUIRED**" and reference made to the lot numbers of the lots subject to this requirement.

1) General Requirements (Amended by Board of Supervisors on September 9, 1999.)

- A) Notwithstanding any other provisions of this Ordinance or the Zoning Ordinance, subdivisions of lots greater than one-half acre in size, and less than one acre in size, shall be served by a central water system, provided that the requirements of the Health Department and paragraph 9-13 of this Ordinance can be met. Lots less than one-half acre in size shall be served by central water and sewage systems. All lots in a subdivision in which central water and/or sewer are required shall be served by said system and deed restrictions to ensure same shall be required. Where a new or unapproved source(s) of water is involved in a proposed central water system, the source must be tested for quality and quantity impacts prior to submission of the final plat. Such tests shall include all those required by the Virginia Department of Health and the Water and Sanitation Authority. A detailed hydrogeologic report including descriptions of any on-site investigations and support materials shall be submitted. The hydrogeologic report must be prepared by a geologist or hydrologist certified in the Commonwealth of Virginia and it shall include the characteristics and extent of the aquifer utilized and the effect of pumping required to serve the subdivision on surrounding wells and the optimal yield of the aquifer.
- B) Any person contemplating the construction of a public central water and/or sewerage system shall, by the time final subdivision plans, profiles and specifications are submitted, have agreed by written contract approved by the Fauquier County Water and Sanitation Authority, that the water and/or sewerage system shall become the property of the Water and Sanitation Authority. Said system shall be constructed in accordance with Health Department and Water and Sanitation Authority requirements. Any requirements of the Water and Sanitation Authority, in a system, over and above that required to serve the needs of the proposed development shall be reimbursed in accordance with the Water and Sanitation Authority regulations.
- C) Plans, profiles, and specifications for central water and/or sewerage systems approved by the Water and Sanitation Authority, Virginia Department of Health, and/or State Water Control Board shall be submitted with the final plat of such subdivision. Where the Health Department or Water Control Board is required to review and approved water and/or sewerage plans, such approvals shall be submitted to the Water and Sanitation Authority prior to the review of the plans by the Authority.
- D) Wherever a private central water or sewer system is permitted, said system(s) shall be deemed to a homeowners association, with every lot owner a member, established as a non-profit corporation duly authorized under the laws of Virginia. The developer or owner shall present a plan

including proper agreements and covenants running with the land acceptable to Fauquier County, for the development and maintenance of the system(s). The members of such non-profit corporate ownership shall be the owner of the system(s) and said system(s) is to be held and maintained for the owners of said subdivision lots. Covenants shall provide that the assessments, charges and cost for the maintenance of the system(s) shall constitute a pro rata lien upon the individual lots of the subdivision, inferior only to taxes and bona fide deeds of trust on each lot. Said system shall be constructed in accordance with Health Department requirements.

- 2) Additional Requirements - Service Districts (Amended by Board of Supervisors on September 9, 1999.)
 - A) In the Bealeton, Marshall, New Baltimore, Opal, Remington and Warrenton service districts except designated non-sewered or non-central water Growth Areas, all proposed residential subdivisions, multifamily and townhouse development shall be served by public water and sewer except where otherwise authorized by special exception.
 - B) Any freestanding private system permitted by this Ordinance or the Zoning Ordinance shall be designed to the standards of the Virginia Department of Health. Such systems shall be designed to the standards of the Virginia Department of Health. Such systems shall be designed and constructed to provide adequate fire flows as determined by the Virginia Department of Health where the number of lots is twenty or more. Where the number of lots is from seven to nineteen the distribution lines shall be sized to provide adequate fire flows. All necessary easements and deed restrictions shall be provided requiring all lots to connect to the public water system when said system is extended to the subdivision. All lots shall have all necessary easements platted and deed restrictions requiring lot owners to connect to public water when it becomes available.
- 3) Notwithstanding anything contained in this ordinance to the contrary new subdivision lots may be approved without the individual sewage system disposal permits and approvals required by this ordinance upon the following conditions:
 - A) The lot is located in the Rural Agricultural or Rural Conservation Zoning District.
 - B) The owner of the lot submits an affidavit stating under oath that the lot is to be used solely for agricultural purposes which do not require a sewage system. For purposes of this section the phrase "agricultural purposes" shall mean:

Activities devoted to the bona fide production of fruits and vegetables of all kinds, meat, dairy and poultry products; nuts, tobacco, nursery and floral products; to animal pasturage, or to the production and harvest of products from silviculture activities.

- C) The lot conforms with all other requirements of the ordinance and the Zoning Ordinance.
- D) The final plat of subdivision and the deed of subdivision creating the lots contain boldly printed thereon the following statement:

This lot was created for use for solely agricultural purposes and is not approved for an individual sewage disposal system. This lot may not be used for any purpose other than agricultural purposes as defined above until a permit for an individual sewage disposal system is approved by the Fauquier County Health Department pursuant to the requirements of Chapter 17 of the Fauquier County Code or public sewer is extended and available to the lot.

4-12 Sub-Standard Subdivisions

A subdivision recorded and/or developed prior to the adoption of, and not in conformity with, this Ordinance may be resubdivided and redeveloped in whole or in part or a portion thereof at the option of the owner of all the lots to be resubdivided, or at the option of the owner of any group of contiguous lots therein as the case may be, but only under the following conditions: (1) the resubdivision shall result in improvement to the general area of lot layout and street connection; (2) and the resubdivision shall be in full conformity with the provisions of this Ordinance.

4-13 Utility Easement

Adequate easements shall be required for drainage and utilities on any lot.

4-14 Public Water and Sewer

Where public water and/or sewer service is required, such service shall be extended to all lots within a subdivision by the developer. (Amended by Board of Supervisors on September 9, 1999.)

4-15 Fire Protection

Where public water is available the installation of adequate fire hydrants by the developer in a subdivision at locations approved by the governing body or its agent shall be required as necessary to provide adequate fire protection.

4-16 Bonding Requirements

Prior to acceptance of dedicated for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvements dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency, and for the provision of other site-related improvements required by this Ordinance for vehicular ingress and egress, for public access streets, for structures

necessary to ensure stability of critical slopes, and for stormwater management facilities, financed or to be financed in whole or in part by private funds if the owner or developer shall, (1) certify to the agent for the governing body that the construction is complete and the costs have been paid to the person constructing such facilities; or (2) furnish to the agent for the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body, in the amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractors bond, with like surety, in like amount and so conditioned; or (3) furnish to the agent for the governing body as to the bank or saving and loan association, the amount and the form. The amount of such certified check, cash escrow, bond or letter of credit shall include the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.

4-17 *Certifications Upon Completion of the Improvements*

Upon the completion of the installation of all subdivision improvements, the subdivider shall furnish a statement under oath that all construction conforms to the regulations and requirements of the Ordinance and the plans as approved by the governing body.

4-18 *Lots, Shape*

The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and shall recognize the natural contour of the terrain and topography and conform to requirements of this Ordinance. Lots shall not contain peculiarly shaped elongation's solely to provide necessary square footage of area which would be unusable for normal purposes.

In general, lots will be configured such that the length is approximately two and one-half (2 ½) times the width or frontage, whichever is less.

4-19 *Location*

Except as provided in paragraph 2-39, all lots shall front on an existing or recorded public street or a street dedicated by the subdivision plat and maintained or to be maintained by the Virginia Department of Transportation. When a new subdivision abuts one side of an existing or platted road or street, the subdivider shall be required to dedicate at least half the right-of-way necessary to make such street comply with the minimum width fixed for the same by this Ordinance.

4-20 *Corner Lots*

Corner lots shall have extra width sufficient for maintenance of any required building line on both streets as determined by the agent and as set forth in the Zoning Ordinance of Fauquier County-

4-21 *Side Lot Lines*

Side lot lines shall be approximately at right angles or radial to the street line, except as cul-de-sac terminal points.

4-22 *Remnants or Outlots*

All remnants of lots or outlots below the minimum size remaining after subdividing a tract must be added to adjacent lots rather than allowed to remain as unbuildable parcels.

4-23 *Separate Ownership*

When the land covered by a subdivision includes two or more parcels in separate ownership and lot arrangements is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said deed is to be deposited with the Clerk of the Circuit Court of Fauquier County and held with the final plat until the subdivider is ready to record same and they both shall then be recorded simultaneously. Double frontage or reversed frontage lots should be avoided except where essential to provide separation of residential development from streets or to overcome disadvantage of topography.

4-24 *Blocks*

No residential blocks (established after the date of the adoption of this Ordinance) shall be longer than 1200 feet. The greater dimensions of blocks adjoining a major street shall wherever practical be parallel to such major street.

4-25 *Width*

Blocks shall be wide enough to allow two tiers of lots of minimum depth fronting on major streets unless prevented by topographical conditions or size of the property in which case the governing body or its agent may approve a single tier of lots of minimum depth.

4-26 *Access and Egress*

When a proposed subdivision will adjoin a primary highway or a secondary street, designated as a major collector in the Comprehensive Plan, all efforts will be made to avoid unnecessary ingress and egress as the case may be. In the interest of safety and future collector efficiency, all lots in such subdivisions will front on internal subdivision streets or on a service drive where such is planned. Street access from such a subdivision shall, in general, be located at minimum center line to center line intervals of 800 feet on any parcel or subdivision containing more than one parcel. Exceptions will be made only in accordance with paragraph 4-27.

4-27 *Variations and Exceptions* (Amended by Board of Supervisors on September 9, 1999.)

Whenever because of unequal size, topography, or shape of the property or other unusual condition not resulting from the developers deliberate act, a strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the developer, or wherever standards for waiver of specific provisions of this ordinance by the Planning Commission are set forth, the Planning Commission may vary, modify or waive the

requirements so that substantial justice may be done and the public interest secured; provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with implementing the Comprehensive Plan of Fauquier County. The procedure for requesting such variation or modification shall be as follows:

- A) At the filing of the preliminary plat of subdivision, the subdivider shall submit a list of all waivers requested and a detailed justification statement demonstrating that all requirements of this section and any applicable waiver standards are met.
- B) The request for waivers will be presented to the Planning Commission at the same public meeting at which the preliminary plat is considered by the Planning Commission, and public comment will be permitted at the meeting.
- C) The waiver requests and action of the Planning Commission with respect to the waivers will be transmitted to the Board of Supervisors in accordance with Section 9-7 of this Ordinance.

4-28 *Septic Tank Installation*

The Health Director shall require whenever necessary for the satisfactory installation of septic tanks that individual lots be graded and drained so as to insure effective removal of surface water from each lot. When the contour of the subdivision is such that the use of individual wells with individual septic tank systems will be enlarged, the subdivision shall not be approved for the use of individual wells.

4-29 *Parks, Schools and Public Land*

In subdividing property consideration should be given to suitable sites for parks, schools, and other areas of public use as contained in the Comprehensive County Plan. Such plan regulations for parks, schools, or other public land should be indicated on the preliminary plat in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for, or acquire by the appropriate governing body for that use. This regulations shall not be construed to preclude the dedication of property for public use not included in the Comprehensive County Plan provided such property is acceptable to the County for dedication and maintenance.

4-30 *Payments for Off-Site Improvements*

The cost of providing reasonable and necessary sewerage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of his subdivision or development, shall be in accordance with Section 15.1-466(j) of the Code of Virginia.

4-31 *Optimal Yield* - That amount of groundwater that an aquifer can produce safely without adversely affecting natural groundwater discharge base-flows and existing groundwater withdrawals.